

REMARKS

Claims 1-11, 26-31, 35, and 37-48 are pending. Claims 1, 26, and 38 are independent claims. Applicants' representative thanks Examiner Beamer for withdrawing the finality of the prior office action and also for withdrawing the rejections of all claims under Section 102 and/or Section 103. Nevertheless the rejection of claims 1-11, 26-30, 35, and 37-48 (and presumably also claim 31) under Section 112, first paragraph, was maintained by the Examiner.

In view of the following comments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action.

Rejection of claims 1-11, 26-30, 35, and 37-48 (and presumably also claim 31) Under 35 U.S.C. 112, First Paragraph

Without conceding that the other independent claims are or are not of like scope, Applicants discuss claim 1 as exemplary. Claim 1 recites in part that "the processor is programmed to retrieve, via the first wireless communications device, directly and not via a controller in the equipment, at least one measurement from a second wireless communications device connected to at least one measurement device." In support of the recitation "directly and not via a controller in the equipment," Applicants point to at least the following paragraphs in their Specification: 0002, 0003, 0012, 0014, 0029, 0033, and 0034. In the most recent office action the Examiner indicated that she believed that support is provided for direct communication. However, she believed that there is no support in the specification that the direct communication is negated from being directly connected via a controller. Applicants' respectfully disagree for at least the following reasons:

Paragraph 0003 explains the improvement that the presently claimed invention has made over prior systems:

. . . at present, a user must depend on intermediate mechanisms, such as a central processor or CAN communications, to retrieve data from a sensor on a piece of equipment such as a vehicle. Accordingly, the need exists for an invention that enables the direct communication of data from sensors to a remote user.

However, paragraph 0003 builds upon the state of the art set forth in paragraph 0002. As stated in paragraph 0002:

Receiving information remotely from a vehicle is known in the prior art. U.S. Patent Nos. 5,442,553, 5,758,300, 6,295,492, 6,604,033, 6,611,740, 6,636,790 and U.S. published application 2003/0171111 all describe communicating information from components in a vehicle, but teach doing so through a central processor or data collection module in the vehicle. U.S. Patent No. 5,732,074 describes communication of vehicle data to a remote computer, but discloses that the communications take place via known data network protocols, such as CAN (controller area network). U.S. Patent No. 6,263,268 teaches sending vehicle data to clients upon request using a server located on board the vehicle.

(Emphasis added.) Thus, Applicants explicitly noted in the application as filed that known prior art all describe communicating information from components in a vehicle, but teach doing so through a controller such as a central processor or data collection module. As a result, while the statement of paragraph 0003 recites that there is direct communication, when read in the context of paragraph 0002, the claim recitation “directly and not via a controller in the equipment” is totally supported by the disclosure.

Moreover, claim 1 was amended to its present form in the response dated June 26, 2008, in part to address the rejection based on Spaur (US Patent No. 5,773,074). Spaur is exemplary of the very art that is discussed in paragraph 0002 of the present disclosure. Figure 1 of Spaur shows a wireless device 18 in communication with a vehicle controller 30, which is in turn in communication with vehicle devices 50. Moreover, Spaur explains that:

With regard to providing information to a remote station 10, a substantially symmetrical relationship exists among the elements of FIG. 1. That is, the controller 30 is able to prepare information for sending to a remote station 10, including data or other information available from one or more of the vehicle devices 50 using the vehicle standardized network 40. Such information is sent to the wireless device 18 through its interface 22 for transmission using the vehicle airlink transfer protocol modem 20 over the airlink to the remote station 10 by way of the remote standardized network 14 in combination with the remote airlink transfer protocol modem 16.

In other words, Spaur depends on a central processor in a vehicle to retrieve data from devices in the vehicle. (See Spaur, col. 3, line 57- col. 4, line 57.) The term “central processor” is explicitly discussed in paragraph [0002]. Thus, Spaur fails to disclose any direct communication of data from devices in a vehicle to a remote wireless device at all let alone “via the first wireless communications device, directly and not via a controller in the equipment.”

Further, paragraph 0012 of Applicants’ Specification states that “remote device 100 communicates either directly or through wireless network 118 with measurement devices 120a, 120b, . . . , 120n.” Figure 1A, reproduced below, explicitly shows the lack of a “controller in the equipment” and that “the processor [102] is programmed to retrieve, via the first wireless communications device [RF modem 106], directly and not via a controller in the equipment.” Thus, paragraph 0012 in combination with Figure 1 provides further support to the recitation of interest.

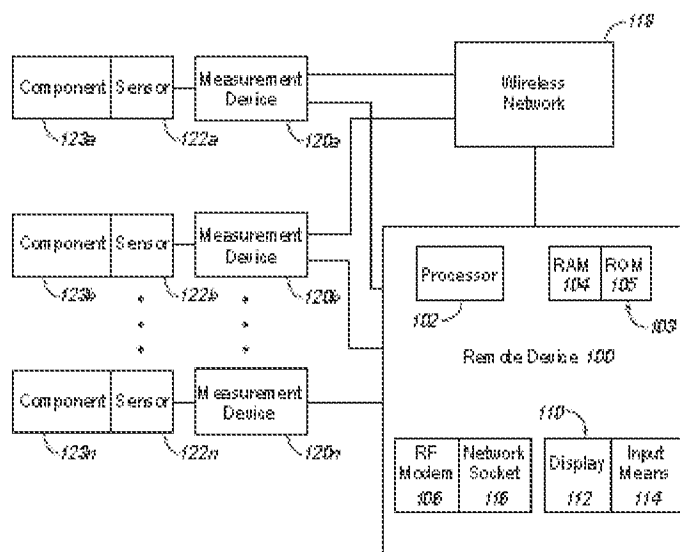


FIG. 1A

Paragraph 0014 also states in part that “[M]easurement signal processing device 124 enables measurement device 120 to communicate with RF modem 106 via a direct wireless connection or via wireless network 118.” Paragraph 0014 in combination with Figure 1B, reproduced below, further supports the recitation of interest wherein “the process is programmed to retrieve, via the first wireless communications device, directly and not via a controller in the equipment. . . .”

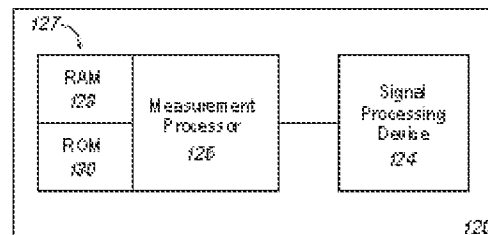


FIG. 1B

Moreover, paragraph 0029 of Applicants' Specification states that “measurement signal processing device 124 sends the data packet or packets created in step 308 to RF modem 106.” Notably, there is no disclosure that measurement signal processing device 124 provides data to a controller or the like, and that the controller then sends data to the RF modem 106.

Paragraphs 0033 and 0034 are part of descriptions of processes running in a remote device 100. Paragraph 0034 states that “process [in the remote device 100] listens for data from measurement device 120.” Again, notably, there is no disclosure that the process is listening for data from a controller relaying the data from the measurement device. Instead, the data is described as coming “from measurement device 120,” i.e., directly. There is no disclosure that data comes from anything other than the measurement device; neither a controller nor any intermediate component is disclosed.

Applicants respectfully submit that any of the foregoing by itself would provide adequate support under Section 112, first paragraph, for the recitation of “directly and not via a controller” in

Applicants' claims. When these disclosures are taken together, and in context, Applicants' Specification provides overwhelming support for the recitation "directly and not via a controller."

For at least the foregoing reasons, the present Section 112 rejection of Applicants' claims should be withdrawn, and the claims passed to issue.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account No. 18-0013, under Order No. 65856-0054, from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

Electronic signature: /Michael B. Stewart/
Michael B. Stewart
Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 10291
Attorneys for Applicant